

DOCKET NO. 9528-005-27



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: STEPHEN W. DOWNING    ART UNIT: 3731  
SERIAL NO.: 09/881,045    EXAMINER: NGUYEN, VICTOR  
FILING DATE: JUNE 15, 2001  
FOR:    APPARATUSES AND METHODS FOR PERFORMING MINIMALLY  
         INVASIVE DIAGNOSTIC AND SURGICAL PROCEDURES INSIDE OF A  
         BEATING HEART

**RESPONSE TO RESTRICTION REQUIREMENT**

ASSISTANT COMMISSIONER FOR PATENTS  
PO BOX 1450  
ALEXANDRIA, VA 22313-1450

**RECEIVED**

**JUN 23 2003**

TECHNOLOGY CENTER R3700

SIR:

Responsive to the Restriction Requirement dated April 23, 2003, Applicant elects, albeit with traverse, Group II, Claims 16, 17, and now Claims 27-29, as amended, for further prosecution at this time. This Response replaces the paper filed May 21, 2003 and vacated by the Communication to the Examiner filed on May 23, 2003, said Communication being agreeably filed per a teleconference of May 22, 2003 between the Examiner and undersigned counsel. At the time of filing the Communication to the Examiner, a one-month extension of time for submission of this Response was requested and payment therefore was submitted in advance. Accordingly, this Response to the Restriction Requirement should be considered timely submitted on or before June 23, 2003.